

REMARKS

The last Office Action of April 7, 2003 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-21 are pending in the application. Claims 1, 5, 17 and 18 have been amended. Claims 9-16 have been previously canceled. Claim 22 has been added. A total of 13 claims are now on file. No claim surcharge is due.

It is further noted that claims 1-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4, 6-8, 17, 19 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,638,745 (hereinafter "Sheffer").

It is noted with appreciation that claims 5 and 18 are indicated allowable if rewritten in independent form to overcome the rejection under 35 U.S.C. §112 and to include all of the limitations of the base claim and any intervening claims. Applicant has made the appropriate amendments to these claims.

The Examiner has indicated that claims 1 and 17 may be allowable if applicant would amend the claims to overcome certain objections made to the specification. The following is believed to overcome the objections and rejections, and it is believed that claim 1 and 17 are likewise allowable.

OBJECTION TO THE SPECIFICATION

The Examiner's objection to the specification is noted. With respect to the Examiner's determination that the addition to the specification of the phrase "end-to-end relationship", applicant partially agrees and partially traverses the Examiner's determination based on the following: Applicant has shifted the phrase "end-to-end relationship" in paragraph [0016] so the sentence reads "The layers 2 are ~~separated~~ in end-to-end relationship and are separated from one another by score lines 5 of a length that is so selected that". Applicant submits that the insertion of the phrase "end-to-end relationship" suitably describes what is shown in Figure 2. Since Figure 2 was at all times part of the application, no new matter has been introduced. The Examiner's finds that "to say that the layers are separated from one another by score lines is misdescriptive. Each score line does not mark the end of a layer." (emphasis added). Applicant respectfully disagrees with this view. The fact is the layers are separated by the score lines and each layer does end at the score line, because at the end of the score line the section is rolled into the next layer. The layers can have a vertical as well as a circumferential relationship hence the score lines defining each layer.

REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has amended claim 1 and 17 in accordance with the Examiner's commentary on page 3 of the last Official Action. In particular, applicant has inserted the phrase "rolled-up" in connection with the word "layers". Applicant also deleted "tubular" as required by the Examiner.

Furthermore, with respect to the Examiner's rejection, applicant has amended claims 1 and 5 to state with more clarity that the layers of lined corrugated cardboard are in end-to end-relationship and rolled-up to form the body, since the end of each layer is adjoining the end of another layer, the end-to-end relationship of the layers should be clear. It is believed that the claims as currently amended overcome the Examiner's objections and rejection thereof. However, should the Examiner have further objections to the language, it is requested that applicant be given the opportunity to further amend the claims.

Upon the Examiner's indication that claims 1 and 17 may be allowable if the rejection under 35 U.S.C. §112, second paragraph are obviated, it is believed that the rejection has been overcome by the above amendments.

Withdrawal of the rejection of claims 1-8 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

**REJECTION OF CLAIMS 1-4, 6-8, 17, 19 and 20 UNDER 35 U.S.C. §102(b) AS
BEING ANTICIPATED BY SHEFFER**

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

In order to clearly distinguish the present invention from Sheffer, applicant has amended claim 1 by setting forth more clearly the end-to end relationship of the layers. As seen in Sheffer, the layers are not in an end-to-end relationship. The blank is preformed with partial side by side layers.

The rejection of the Examiner regarding the orientation of the flutes on the ground of Patterson incorporated into Sheffer is confusing. Applicant treated the rejection as stated by the Examiner as anticipated by Sheffer. Sheffer is silent as to the layers being made from lined corrugated cardboard having flutes oreinted in a particular direction. Sheffer only discloses fiberboard. Nothing in the reference points to lining of corrugated cardboards with directional flutes. Patterson disclosing corrugated cardboard appears not relevant in connction with a rejection under 35 U.S.C. Section 102 by Sheffer. Patterson does not disclose a formed body of the type as claimed here.

The Sheffer reference discloses a shelf stand that is form fiberboard. Nothing in the Sheffer reference points to the corrugation layers having flutes extending in a direction of the longitudinal axis. The Examiner's determination that corrugated cardboard is a form of corrugated fiberboard is respectfully misplaced since the flutes of the lined corrugation have to be oriented in a specific way. The invention relates in general to the use of a more flexible material and render is

more rigid, hence the importance of the flute orientation. Sheffer is entirely silent as to this point.

Furthermore, the Sheffer reference only discloses a connection of the layers made in the center of a layer as seen in Fig. 1. Accordingly, this feature likewise distinguishes from the claimed invention. The placement of an opening in the center of a one of the fiberboard layers is contrary to the claimed invention. In fact, the invention hinges upon the use of corrugated cardboard with the flutes arranged in a very specific direction, namely in the direction of the longitudinal axis. The purpose of the invention is to build a formed body from a cheap flexible material such as corrugated cardboard and imbue it with structural features to provide strength. An opening in the center of layers is not contemplated. The layers are rolled-up to retain a greater structural integrity of the formed body and what the invention tried to solve in the first place, hence the connection of the layers at the end of any of the layers.

Claim 1 as presently amended is thus believed to distinguish over the prior art. Since the dependent claims contain the same element as claim 1 they are also believed to be patentably distinguished over the prior art.

Withdrawal of the rejection of claims 1-4, 6-8, 17, 19 and 20 under 35 U.S.C. §102(b) is thus respectfully requested.

CONCLUSION

Applicant believes that when the Examiner reconsiders the claims in the light of the above comments, he will agree that the invention is in no way properly met or anticipated or even suggested by the cited reference however it is considered.

None of the references discloses a rolled up formed body with end-to-end layers that are secured to each other at the end portions of the layers.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

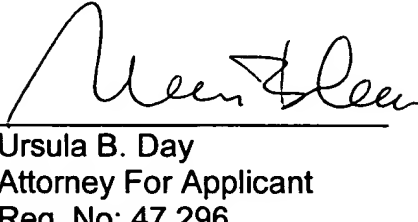
Applicant further submits a new Declaration indicating the correct post office address of the inventor. A certified copy of the priority document under 35 U.S.C. §119(a)-(d), and formal drawings are enclosed herewith.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

The Commissioner is hereby authorized to charge fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted,

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